

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:12cr380**

**UNITED STATES OF AMERICA,** )  
 )  
**Vs.** )  
 )  
**(2) GERMAN MARTINEZ GARCIA** )  
 )  
**Defendant.** )  
\_\_\_\_\_ )

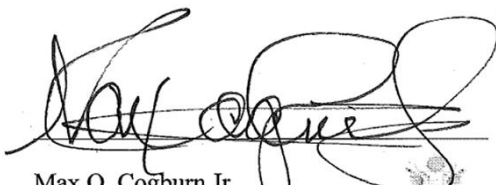
**ORDER**

**THIS MATTER** is before the court on the government's Motion to Dismiss Count Twelve of the Indictment (#32). The motion does not reflect that defendant has been consulted or consents to the motion. Pursuant to Local Rule 47.1(E), however, the time for filing a response has run. Having carefully considered the motion, the court enters the following Order.

**ORDER**

**IT IS, THEREFORE, ORDERED** that the government's Motion to Dismiss (#32) is **GRANTED** and the charges contained in Count Twelve of the Indictment are **DISMISSED** without prejudice.

Signed: May 3, 2013

  
Max O. Cogburn Jr.  
United States District Judge